

Remarks

Pending claims 1-7 and 12-18 have been addressed by the Office Action dated 11/19/2002. Claims 12-16 were rejected under 35 USC 112, first paragraph. Claims 1-7 and 12-16 were rejected under 35 USC 112, second paragraph. Claims 17-18 were withdrawn. Claims 8-11 and 19-20 were previously cancelled. These items are discussed below.

Rejection under 35 USC 112, first paragraph. The examiner rejected claims 12-16 as not enabled. The examiner suggested deleting the terms "pharmaceutical" and "therapeutically effective" in each claim and the applicants have complied.

The applicants believe the basis for the rejection based on 35 USC 112, first paragraph has been removed and request the examiner withdraw the rejection.

Rejections under 35 USC 112, second paragraph. The Office Action dated 11/19/2002 listed six items as being indefinite. We address those six items in the same order as the Office Action.

- In claims 1 and 3-5, certain moieties contained a line-break between the bond and the moiety resulting in the bond being at the end of one line and the moiety being at the beginning of the following line. The applicants attempted to correct these errors in the word processing file. But in correcting one instance, sometimes a following instance solved itself. Worse, many new errors were being created. In order to minimize errors and speed prosecution, the applicants respectfully request the examiner to make the necessary amendments under 37 CFR 1.121(g). The applicants apologize for this burden and provide a table indicating the precise locations of each occurrence we found.

in the Claims

page 182, line 21
page 182, line 22
page 182, line 36
page 182, line 37
page 183, line 16
page 183, line 17
page 189, line 24
page 189, line 25
page 190, line 5
page 190, line 6
page 190, line 20
page 190, line 21
page 196, line 12

page 196, line 13
page 196, line 27
page 196, line 28
page 197, line 8
page 197, line 9
page 202, line 12
page 202, line 13
page 203, line 6
page 203, line 7
page 203, line 36
page 203, line 37

- In claims 3 and 4, the examiner stated that the claims defined variable R^{10c} , but R^{10c} was not a moiety of Formula II. The applicants have deleted the definition of R^{10c} in claims 3 and 4.
- The examiner stated that claim 5 was not properly subgeneric to claim 1-4. Claim 5 has been amended to read in independent form.
- The examiner requested an explanation of where R^{11} may be found in Formula III of claim 5 (re-presented as claim 21). R^{11} is found in three instances:
 1. R^{11} is found on R^{9d} (page 208, line 37). R^{9d} depends on R^{9c} which depends on R^{9a} which depends on R^9 of Formula III.
 2. R^{11} is also found on R^{9c} (page 208, line 19). R^{9c} depends on R^{9a} which depends on R^9 of Formula III.
 3. R^{11} is also found on R^{3a} (page 207, line 9) which depends on R^3 which depends on A^2 of Formula III.
- In claim 7, the examiner stated that the first recited compound is precluded from dependence on claim 1 because the C-terminal moiety ($-\text{CH}_2\text{CO}_2\text{H}$) is not properly defined by definitions of Q, namely $-(\text{CR}^{10}\text{CR}^{10c})_n\text{-Q}^1$ and $-(\text{CR}^{10}\text{CR}^{10c})_n\text{-Q}^2$ where R^{10} cannot be hydrogen. The applicants point out that another definition of Q is $\text{C}_1\text{-C}_4\text{alkyl-Q}^1$ (page 180, line 18). This definition includes hydrogen atoms in the required positions and so the recited compound is properly dependent on Claim 1.

- The examiner stated that Claims 12-16 are indefinite as to the objectives of "therapeutic efficacy." The term "therapeutically effective" has been deleted from these claims. The objectives, however, are defined on page 97, line 39 through page 98, line 16.

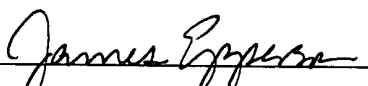
The applicants believe the basis for any rejection based on 35 USC 112, second paragraph has been removed and request the examiner withdraw the rejection.

Withdrawn Claims 17 and 18. The applicants adopted the examiners advice on method claims—claims 18 and 19 have been cancelled and suggested claims 21 and 22 added. Because the examiner stipulated that these claims were enabled, the applicants believe there is no serious burden to examine them and respectfully request the restriction requirement be withdrawn and the new claims allowed in the instant application.

In view of the above remarks, the applicants believe the application is in allowable form and respectfully request favorable reconsideration. If any issues remain regarding the allowance of this application, the Examiner is respectfully invited to contact the applicants' agent, James Epperson, by phone (203-677-6974), fax (203-677-6900), or e-mail (james.epperson@bms.com).

Respectfully submitted,

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